

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



December 29, 1997

ALL-COUNTY LETTER NO. 97-81

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL OFFICERS
COUNTY WELFARE DEPARTMENT AND DISTRICT ATTORNEY
SPECIAL INVESTIGATIVE UNITS

SUBJECT: IMPACT OF THE CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP)
FOR LEGAL IMMIGRANTS ON THE DPA 266, FRAUD INVESTIGATION
ACTIVITY REPORT

REFERENCE: ACL 97-50 (dated September 3, 1997) and ACIN I-52-97
(Dated August 19, 1997)

The purpose of this letter is to provide reporting instructions to the county welfare departments (CWDs) and Special Investigative Units (SIUs) on the DPA 266, Fraud Investigation Activity Report, which is being amended because of the implementation of the California Food Assistance Program (CFAP) for Legal Immigrants.

Under the Federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, certain legal resident non-citizens of the United States are no longer eligible for federal food stamp benefits. With the passage of AB 1576 (Chapter 287, Statutes of 1997), signed into law by Governor Wilson on August 18, 1997, CFAP was established to provide food stamp benefits to certain legal non-citizens who are no longer eligible for federal Food Stamp Program benefits. Statewide implementation for this program was September 1, 1997. Under CFAP, the State provides food stamps to individuals less than 18 years of age and individuals 65 years of age or older who are legal non-citizens of the United States. Persons meeting this criteria must have been legally present in the United States prior to August 22, 1996, and determined ineligible effective August 31, 1997, for federal food stamp benefits solely due to his or her immigration status under the PRWORA.

The DPA 266, Fraud Investigation Activity Report (see enclosure), is used by the California Department of Social Services (CDSS) to complete the FNS 366B, Program Activity Statement, which is a federal report submitted annually to Food and Consumer Service (FCS). CDSS reports a variety of data elements relating to the Food Stamp Program on the FNS 366B. A part of the data we are required to report relates to food stamp fraud investigations, administrative disqualification hearings, and prosecution activity. With the implementation of the CFAP and pursuant to a federal guidance letter the department received on State Option Food Stamp Programs, **no CFAP data** are to be reported on the FNS 366B.

Consequently, effective with the September 1997 report month, we are requesting counties to separately identify any state-only food stamp cases referred to the SIU on the DPA 266 **in** Column 5, All Other Programs. Enter the state-only food stamp case count and place an asterisk next to the figure. All state-only food stamp cases reported throughout the DPA 266 should be a **subset** of the total for Columns 2 and 3 (PAFS and NAFS). Also, please make a notation in the "Comments" section of the DPA 266 indicating that the cases are state-only food stamp fraud cases. Continue to report "all other program" fraud activity relating to programs such as General Relief, SSI/SSP, In-Home Supportive Services, etc., in Column 5 separate from the state-only food stamp cases.

Once a state-only food stamp case is reported on the DPA 266, it will continue to be reported on a monthly basis until a final disposition is made and the case is removed from the report through the existing reporting process. Any overpayments and collections must be reported on Part A, Section IV, Item 21, (Total Fraud Overpayments Identified [Dollar Amounts]), and Part E, Item 1, (Total Collected During the Prior Month [Dollar Amounts]) for all state-only food stamp cases. Report this information separately in Column 5.

Any **combined** food stamp case with overpayments and collections **must also be included** in the state-only overpayments and collections dollar amount line items. A combined food stamp household is defined as a household which receives both federal and state-only food stamp benefits. The amount of the overpayment/collection for the combined food stamp case should reflect that **portion** which is the state-only food stamp amount--not the entire food stamp overpayment/collection (federal and state share) which was fraudulently received. In order to determine the federal and state share of an overpayment and collection for a combined food stamp household, the monthly allotment is prorated based on the household composition. For example, in a household size of five where three individuals are federally eligible for food stamp benefits and two individuals are eligible for state-only food stamp benefits, the overpayment is prorated on a monthly basis based on the food stamp household composition. In this example, 60 percent is the federal share of the overpayment and 40 percent is the state share of the overpayment. When a joint claim exists, collections are to be shared by both the federal and state programs.

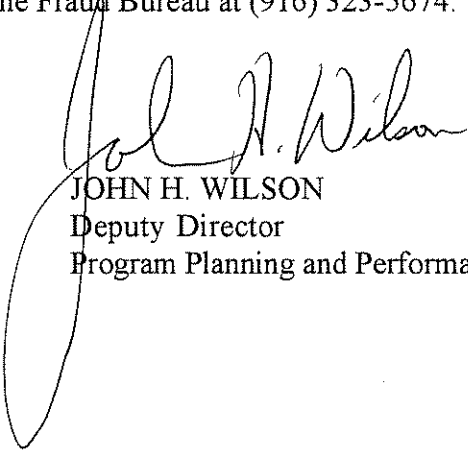
The state share of the combined food stamp overpayment and collection should be added to the state-only food stamp overpayment and collection. The federal share **and** the state share of the overpayment/collection for a combined food stamp case should be reported either in the PAFS or NAFS column and does not need to be identified separately. The state-only food stamp and state share of the combined CalWORKs/food stamp amount should be a **subset** of the total overpayment and collection amount being reported in the PAFS and NAFS columns.

Finally, since FCS is only interested in federal food stamp fraud data, it is not necessary to separately identify and report combined food stamp fraud **cases** on the DPA 266. Combined cases receive both federal and state-only food stamp benefits, thus can be included as a case count on the FNS 366B.

The reporting change for identifying combined household overpayments and collections is based on an interim six-month agreement with the FCS and will remain in effect until the end of February 1998. Additional reporting instructions for identifying combined household cases with overpayments and collections will be issued when there is a final agreement with FCS.

Although we anticipate a small caseload impact, it is important to accurately reflect the federal food stamp program on the FNS 366B by identifying any state-only food stamp fraud and combined food stamp fraud information on the DPA 266. There is the possibility of modifying the DPA 266 with the implementation of CalWORKs, and we plan to incorporate the impact of CFAP into the report at that time.

If you have any questions, please contact Mary Ann Y. Kashiwagi of the Information Services Bureau at (916) 653-4902 or Rick Tibbetts of the Fraud Bureau at (916) 323-5674.



JOHN H. WILSON

Deputy Director

Program Planning and Performance Division

Enclosure

c: CWDA

FRAUD INVESTIGATION ACTIVITY REPORT

SEND ONE COPY TO:

Department of Social Services
Information Services Bureau
744 P Street, Mail Station 12-81
Sacramento, CA 95814

County Name:	County #	For Month Ending (Month, Day, Year)			
PART A. INVESTIGATION ACTIVITY					
ITEM	AFDC (1)	PA FOOD STAMPS (2)	NA FOOD STAMPS (3)	TOTAL (4)	ALL OTHER PROGRAMS (5)
SECTION I. INVESTIGATION REQUESTS					
1. Total Requests Received During Month	1	2	3	4	5
2. Total Requests Rejected During Month	6	7	8	9	10
3. Total Requests Accepted During Month (Sum Items 3a through 3n)	11	12	13	14	15
a. Early Fraud Prevention/Detection (EFP/D)	16	17	18	19	20
b. Income and Eligibility Verification System (IEVS)	21	22	23	24	25
c. Other Unreported Income	26	27	28	29	30
d. Homeless Assistance	31	32	33	34	35
e. Unreported Resources/Assets	36	37	38	39	40
f. Family (Household) Composition	41	42	43	44	45
g. Duplicate/Replaced Warrants/Lost Food Stamps	46	47	48	49	50
h. Duplicate (Multiple) Aid	51	52	53	54	55
i. Forgery	56	57	58	59	60
j. Residence	61	62	63	64	65
k. Fictitious Identity	66	67	68	69	70
l. Food Stamp Trafficking	71	72	73	74	75
m. Internal Affairs	76	77	78	79	80
n. Other	81	82	83	84	85
SECTION II. INVESTIGATION CASELOAD					
4. Investigations Pending Beginning This Month (Part A, Item 7 last month, or explain in Part F)	86	87	88	89	90
5. Total Investigations Available During Month (Item 3 plus 4)	91	92	93	94	95
6. Total investigations Completed During Month (Sum Items 6a and 6b)	96	97	98	99	100
a. Evidence Sufficient to Support an Allegation of Fraud (Sum Line 1 and Line 2 below)	101	102	103	104	105
1. Cases Referred for Prosecution	106	107	108	109	110
2. Cases Not Referred for Prosecution	111	112	113	114	115
b. Evidence Not Sufficient to Support an Allegation of Fraud	116	117	118	119	120
7. Investigations Pending at End of Month (Item 5 minus Item 6)	121	122	123	124	125
SECTION III. INVESTIGATION RESULTS					
8. Denials (Early Fraud)	126	127	128	129	130
9. Benefits Reduced (Early Fraud)	131	132	133	134	135
10. Discontinuances (Early Fraud)	136	137	138	139	140
11. Referred for Prosecution	141	142	143	144	145
12. Referred to Administrative Disqualification Hearing (ADH)	146	147	148	149	150
13. Restitution Action	151	152	153	154	155
14. Benefits Reduced (Not Early Fraud)	156	157	158	159	160
15. Benefits Discontinued (Not Early Fraud)	161	162	163	164	165
16. Fraud Found, No Adverse Financial Impact	166	167	168	169	170
17. Allegation Unfounded	171	172	173	174	175
18. Insufficient Evidence	176	177	178	179	180
19. Expiration of Statutes	181	182	183	184	185
20. Other	186	187	188	189	190
SECTION IV.					
21. Total Fraud Overpayments Identified (Dollar Amounts)	191	192	193	194	195
22. Fines Forfeitures (Dollar Amounts)					

County Name and #

Report Month

PART B. PROSECUTION ACTIVITY

ITEM	AFDC (1)	PA FOOD STAMPS (2)	NA FOOD STAMPS (3)	TOTAL (4)	ALL OTHER PROGRAMS (5)
SECTION I. PROSECUTION ACTIVITY	201	202	203	204	205
1. Referrals Pending Beginning of Month (Part B, Item 5 last month, or explain)					
2. Referrals Received During Month	206	207	208	209	210
3. Total Referrals Available During Month (Item 1 plus Item 2)	211	212	213	214	215
4. Total Referrals Processed During Month (Sum of Line 4a and Line 4b.)	216	217	218	219	220
a. Prosecutions Filed	221	222	223	224	225
b. Decision Made to Not Prosecute	226	227	228	229	230
5. Referrals Pending End of Month (Line 3 minus Line 4)	231	232	233	234	235
SECTION II. PROSECUTION OUTCOMES	236	237	238	239	240
6. Convictions	241	242	243	244	245
7. Administrative Action	246	247	248	249	250
8. Disqualification Consent Agreements (DCA)	251	252	253	254	255
9. Charge Pleaded	256	257	258	259	260
10. Dismissals	261	262	263	264	265
11. Acquittals	266	267	268	269	270
12. Declinations	271	272	273	274	275
13. Expiration of Statutes	276	277	278	279	280
14. Other	281	282	283	284	285
PART C. ADMINISTRATIVE DISQUALIFICATION HEARING ACTIVITY	286	287	288	289	290
1. Referred for Administrative Disqualification Hearing (ADH)	291	292	293	294	295
2. Waivers	296	297	298	299	300
3. Upheld Convictions	301	302	303	304	305
4. Acquittals	306	307	308	309	310
5. Decisions Pending	311	312	313	314	315
6. Program Dollars	316	317	318	319	320
PART D. PERSONS DISQUALIFIED	321	322	323	324	325
1. Persons Disqualified During Month as a Result of Court Prosecutions					
2. Administrative Hearing Disqualifications					
PART E. COLLECTIONS					
1. Total Collected During Prior Month (Dollar Amounts)					

PART F. COMMENTS:

NAME, TITLE, TELEPHONE and FAX NUMBER OF PERSON TO CONTACT IN CASE THERE ARE QUESTIONS CONCERNING THIS REPORT.
ENTER THE DATE THIS REPORT WAS COMPLETED.

NAME	TITLE	TELEPHONE/FAX NUMBER	DATE
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FRAUD INVESTIGATION ACTIVITY REPORT

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